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Albany and Astoria Railway Company.

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ALBANY AND ASTORIA RAILWAY COMPANY.

MAY 18, 1894.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HALL, of Minnesota, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany S. 755.]

The Committee on Indian Affairs, to whom was referred the bill (S. 755) entitled "An act granting the right of way to the Albany and Astoria Railway Company through the Grand Ronde Indian Reservation, in the State of Oregon," report the same back with the recommendation that it do pass.

This bill is in the usual form of bills granting a right of way through Indian reservations, and contains the usual safeguards for the protection and compensation of the Indians interested.

The letters of the Secretary of the Interior and Commissioner of Indian Affairs relative to the bill are hereto attached as part hereof.

DEPARTMENT OF THE INTERIOR,
Washington, December 14, 1893.

SIR: I have the honor to acknowledge the receipt, at the hands of Hon. William M. Stewart, of the Committee on Indian Affairs, of S. 755, a bill granting the right of way to the Albany and Astoria Railroad Company through the Grand Ronde Indian Reservation in the State of Oregon, with request for a statement of facts relating to the merits of the bill and the propriety of its passage.

In response thereto I transmit herewith copy of a communication of 13th instant from the Commissioner of Indian Affairs, to whom the matter was referred.

The Commissioner calls attention to the fact that all the recent acts granting rights of way through the Indian Territory limits the right of way to 100 feet, and recommends that the bill be so amended as to limit the right of way to 100 feet; otherwise he knows of no objection to the passage of the bill.

Very respectfully,

HOKE SMITH,
Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
U. S. Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 13, 1893.

SIR: I am in receipt by Department reference of December 8, 1893, for report of a communication from Hon. William M. Stewart, dated December 7, 1893, with which is inclosed Senate bill 755, Fifty-third Congress, first session, a bill granting the right of way to the Albany and Astoria Railroad Company through the Grande Ronde Indian Reservation in the State of Oregon. Senator Stewart requests to be

furnished with such facts as may be in the possession of the Department relating to the proposed measure, together with an opinion as to the propriety of its passage.

The bill grants the company a right of way 200 feet in width through the reservation according to the plans and surveys of the route to be filed in the Department and approved by the Secretary of the Interior; also the right to take from the land adjacent to the right of way material, stone, earth, and timber necessary for the construction of the road; also ground adjacent to the right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount 200 feet in width and 3,000 feet in length for each station, to the extent of 1 station for each 10 miles of road.

The other provisions of the bill are substantially identical with the several recent acts granting railway companies rights of way through Indian reservations outside of the Indian Territory.

In reporting on the bill I have the honor to inform you that under date of February 5, 1891, this office reported on Senate bill 4736, Fifty-first Congress, second session, which made provision for granting the same company a right of way through the Grande Ronde Reservation. The records of this office do not show that final action was reached on the bill. This office, however, suggested certain amendments to the bill and expressed the opinion that if the suggested amendments were incorporated in the bill there were no objections to its passage. The present bill meets all the suggestions proposed in said office report of February 5, 1891. Said office report, however, does not disclose the proposed width of the right of way mentioned in said bill. As has been said, the present bill makes provision for a right of way 200 feet in width.

While there is not perfect uniformity respecting the width of rights of way of the several roads through the reservations outside the Indian Territory the prevailing width is 100 feet; and all the recent acts granting railroad companies rights of way through the Indian Territory limits the width to 100 feet. It is the opinion of this office that a right of way 100 feet in width through the reservation, together with the station privileges provided for in the bill, will meet all the requirements of the road.

I accordingly recommend that the word "two," in line 3 of the first section of the bill, be stricken out and the word "one" be inserted in its stead.

If the bill be amended as herein suggested I know of no objection, so far as this office is concerned, to its passage.

Senator Stewart's letter and the bill are returned herewith.

Very respectfully, your obedient servant,

D. M. BROWNING
Commissioner.

